



in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT<sup>2</sup> (“U.S. Bank”) (collectively, “Mortgage Defendants”), by counsel, submit to the Court, pursuant to Fed. R. Civ. P. 26 and 16(b) the following proposed schedule.

1. **Conference.** On February 5, 2025, the parties will confer prior to the initial pretrial conference to consider the claims, defenses, possibilities of prompt settlement or resolution of the case to arrange for the disclosures required by Rule 26(a)(1), and to develop a discovery plan which will complete discovery by **September 20, 2025**.

2. **Initial Disclosures.** The parties have exchanged Fed. R. Civ. P. 26(a)(1) and Local Civil Rule 26 disclosures prior to the initial pretrial conference

3. All discovery will be completed by **September 20, 2025**. Any discovery must be commenced in time for it to be completed by the close of discovery. “Completed” means that interrogatories, requests for production, and requests for admission must be served in sufficient time that responses are due on or before the completion date.

4. **Interrogatories.** There shall be a maximum of 25 interrogatories by each party to any other party, including parts and subparts thereof.

5. **Depositions.** A party may not exceed ten (10) depositions. Of its allotted ten depositions, a party may not exceed five (5) non-party, non-expert depositions.

6. **Expert Disclosures.** **Plaintiff** shall disclose under Rule 26(a)(2) on or before **July 1, 2025**. Defendant shall disclose on or before **July 31, 2025**. Any rebuttal disclosures shall be made on or before **August 15, 2025**.

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<sup>2</sup> U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT should be the proper party name for this entity and is incorrectly referenced in this case as U.S. Bank National Association

7. **Deposition Notices.** The parties agree that the deadline for deposition notices is **June 19, 2025**. Each deposition shall be limited to a maximum of seven (7) hours of testimony time unless extended by agreement of the parties or Court order.

8. **Final Pretrial Conference.** [To be set by the Court]. The parties expect the trial to last 2 days.

9. The parties will electronically file Fed. R. Civ. P. 26(a)(3) disclosures on or before fourteen (14) days prior to the Final Pretrial Conference, including: (1) a list of witnesses to be called at trial, (2) a list of exhibits to be used at trial, (3) a written stipulation of uncontested facts, and (4) copies of trial exhibits in a format to be agreed upon by the parties. The parties will exchange the exhibits themselves or copies before the final pretrial conference.

10. **Objections.** The parties will have seven (7) days from the filing of their Fed. R. Civ. P. 26(a)(3) disclosures to file objections to the opposing party's disclosures, including to the opposing parties' lists of witnesses and exhibits.

11. The last day to file any summary judgment motions is **October 20, 2025**.

12. **Electronically Stored Information.** All documents, except for Excel and PowerPoint documents, will be produced in TIFF or searchable PDF format. All TIFF images will be produced as single-page image with corresponding multi-page text. The parties agree that all non-redacted versions of Excel spreadsheets (or similar spreadsheets) and PowerPoint presentations (or similar documents) will be produced in native format. . The parties will discuss additional or alternative protocols as to ESI as warranted during the discovery process.

13. **Protective Order.** The parties anticipate that confidential, personal, and/or proprietary information may be produced in discovery. The parties will confer on the terms of an appropriate protective order that may be deemed necessary to protect such information. In the event

that one or both parties seek entry of a protective order, one or both parties shall file an appropriate motion with the Court.

14. **Privilege Log.** Each party will produce a log of all documents withheld on the basis of attorney client privilege or other evidentiary privilege or doctrine. The parties will meet and confer on format and other appropriate requirements or provisions related to privilege logs.

15. **Inadvertent Production.** The parties will meet and confer on the terms of an appropriate protective order that will govern in the event that a party inadvertently produces documents subject to immunity or privilege.

16. Mortgage Defendants do not consent to proceed before a United States Magistrate Judge, except for as required by the Court's Scheduling Order.

17. Mortgage Defendants agree to accept service by e-mail for all pleadings, discovery requests, and discovery responses.

18. Mortgage Defendants reserve the right to file a motion seeking to alter this discovery plan in the event the Complaint or other pleadings are amended.

19. **Waiver Of Appearance And Pretrial Conference.** Mortgage Defendants agree to waive their appearance at the Pretrial Conference [to be set by the Court], if the Court approves this Proposed Discovery Plan.

20. **Settlement.** The parties are pursuing informal settlement discussions and third-party mediation and do not request referral for mediation before a Magistrate Judge at this time.

21. Unless expressly modified by Court Order or permitted stipulation of the parties, all other matters shall be governed by the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Eastern District of Virginia.

Date: February 4, 2025

Respectfully submitted,

/s/ Kim R. Gershen

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Association*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4<sup>th</sup> day of February, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a true and correct copy of the foregoing to all counsel of record and mailed by U.S. Mail to those parties not receiving CM/ECF notifications.

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